

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. 911-017/PI-116
Public Service Commission, on)	
its own motion, to establish)	
interim policies for the)	ORDER OPENING DOCKET, SEEKING
Administration of the Enhanced)	WRITTEN COMMENTS AND
Wireless 911 Fund pending)	SCHEDULING HEARING
Implementation of LB 1222)	
[2006].)	Entered: June 6, 2006

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

The Nebraska Public Service Commission (Commission) hereby opens the above-captioned docket, on its own motion, to establish interim policies for the Administration of the Enhanced Wireless 911 Fund (Fund) pending Implementation of LB 1222 [2006].

Prior to the enactment of LB 1222, the Commission was required to pay full cost recovery to Public Safety Answering Points (PSAPs) and wireless carriers. LB 1222 now requires that the Commission

Establish a mechanism for determining the level of funding available to each public safety answering point and wireless carrier for costs determined to be eligible by the commission....

Neb. Rev. Stat. § 86-465(1)(e) (2006). Furthermore, the bill raises the surcharge cap from \$.50 to \$.70 for all but Douglas County; states that the Commission is not required to fund more than one PSAP per county; requires wireless carriers to collect the surcharge from prepaid wireless customers effective July 1, 2007; adds reporting requirements for wireless carriers; and provides that if a county does not have enhanced wireless 911 service, the Commission may designate a PSAP to receive that county's wireless 911 calls.

In establishing the funding mechanism, the Commission will benefit from significant input from all affected parties including PSAPs, wireless carriers, local exchange providers, and third-party vendors. Additionally, the Commission anticipates holding multiple workshops and hearings. Finally, all other aspects of LB 1222 will also need to be included in a formal rule and regulation proceeding. Although the process for full implementation of LB 1222 will be extensive, the Commission strongly believes that implementations should continue pending completion of this process.

Therefore, the Commission finds that an interim policy should be established. Such interim policy should set immediate priorities and procedures for payment of funding requests pending the promulgation of rules to implement LB 1222 and the establishment of a permanent funding mechanism. The Commission seeks to establish an interim policy that balances the need to properly manage the limited funds available and the importance of continuing to implement wireless enhanced 911 during this transition period.

Commission staff has proposed an interim policy attached hereto as Appendix A. If adopted, the proposed policy would cover all pending and new funding applications. Additionally, it would require adjustments to payments made pursuant to previously approved funding requests.

The Commission seeks written comments regarding the proposed interim policy from all interested parties, including PSAPs, county and city officials, wireless carriers, local exchange providers and vendors. Although the Commission strongly urges all interested parties to file written comments on any portion of the proposed policy, the Commission is especially interested in how the proposed policy would affect the timelines of implementation of wireless enhanced 911 and the fiscal impact of the interim policy.

All interested parties should file written comments with the Commission **no later than 5:00 p.m. on June 30, 2006**. Those commenting must file five (5) paper copies and one (1) electronic copy which can be emailed to angela.melton@psc.ne.gov.

A public hearing on the proposed policy is also scheduled on **July 17, 2006 at 1:30 p.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and it is hereby, opened to establish interim policies for the Administration of the Enhanced Wireless 911 Fund pending Implementation of LB 1222 [2006].

IT IS FURTHER ORDERED that the interim policy proposed by Commission staff, attached hereto as Appendix A, is released for written comment to be filed by all interested parties **no later than 5:00 p.m., June 30, 2006** pursuant to this order.

IT IS FINALLY ORDERED that public hearing is scheduled in this matter for **July 17, 2006 at 1:30 p.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of June, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

Staff Proposed Interim Implementation Policy

1. Consistent with previous Wireless Enhanced 911 Advisory Board recommendations, Phase I requests will be given priority over all other requests. All PSAPs ready to move forward with Phase I should submit requests for funding consistent with Progression Order No. 5 and previously established Commission procedures. The Commission and staff may request additional information in order to properly consider each request.
2. Additionally, staff proposes working with those counties that have not yet reached landline enhanced 911 to identify ways that the Commission may assist them in implementing Phase I.
3. The Commission will not fund any Phase II requests pending the implementation of the LB 1222 funding mechanism and the completion of Phase I statewide. However, Phase I funding requests from those PSAPs who are prepared to accept Phase II calls and wish to implement Phase I and Phase II simultaneously at no additional cost will be given priority over all other Phase I requests. The Commission will adopt appropriate Phase II testing standards that must be followed regardless of whether funding for Phase II is sought.
4. All previously approved, pending and new funding requests must be allocated between wireless and landline 911 service. Only those portions directly related to wireless enhanced 911 service will be paid from the Wireless Enhanced 911 Fund. All previously approved funding requests will be reviewed and recurring payments adjusted if necessary.
5. All funding requests for equipment and/or hardware/software should include any additional expenses related to maintenance of the equipment and an allocation between its use for wireless and landline 911 service. Any approved funding will be paid out over time.
6. Once Commission staff determines that money is no longer available for funding, no new funding requests will be approved.
7. All funding recipients, including previously approved and new applications, will be required to sign an acknowledgement that with the passage of LB 1222 all approved funding will be reviewed and may be adjusted according to the funding mechanism established by the Commission.